IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (STAMP) NO. 28050 OF 2006

IN

SECOND APPEAL NO. 45 OF 2006

Shri Baban Narayan Gaikwad ..... Applicant

Versus

Sau. Nanda Baban Gaikwad & Anr. ..... Respondents

Mr. Nilesh S. Patil for the Applicant

Mr. Anil Kumar Patil for the Respondents

CORAM : A.S. OKA, J.

DATE : 8TH DECEMBER 2006

P.C.

1) Heard Advocates for the Applicant and the Respondent Nos. 1 and 2. Review is sought of an order by which application for interim relief pending the final disposal of the Second Appeal has been rejected. The Applicant is the Appellant. The 1st Respondent claims to be the wife of the Applicant and the 2nd Respondent is a minor daughter of the Applicant. Suit filed by the Respondents under Section 18 of The Hindu Adoptions and Maintenance Act was decreed. The Appeal

preferred by the Applicant before the District Court is also dismissed with some modification in the operative part of the decree.

2) Contention of the Applicant is that assuming that there was a marriage between the Applicant and the 1st Respondent, the same is void as it is performed during the subsistence of the first marriage of the Applicant.

3) Considering the submissions made, second appeal has been admitted for final hearing.

4) As there is evidence on record to establish the factum of marriage between the Applicant and the 1st Respondent, the prayer for stay of execution of the concurrent decree for maintenance passed by both the Courts below has been rejected. I find no error apparent on the face of record. There is no ground for review. Review Petition is rejected.

(A.S. OKA, J.)